

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continuation Application of: )  
Juergen KORTENBACH ) Group Art Unit: Unassigned  
Application. No.: Unassigned )  
(Prior Appln No.: 09/953,428) ) Examiner: Unassigned  
Filed: July 3, 2003 )  
For: END EFFECTOR FOR USE WITH A )  
FLEXIBLE ENDOSCOPIC SURGICAL )  
INSTRUMENT FOR INVAGINATION )  
AND FUNDOPLICATION )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed with this application.

Copies of the listed documents were previously submitted or cited by the Examiner in prior applications (i.e., Application No. 09/953,428, filed September 17, 2001; Application No. 09/572,974, filed May 18, 2000; and Application No. 08/963,523, filed November 3, 1997) upon which Applicant relies for the benefits provided in 35 U.S.C. § 120. Copies therefore are not being provided with this application, in accordance with 37 C.F.R. § 1.98(d). Applicant respectfully requests that the Examiner

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consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 3, 2003

By: 

Leslie I. Bookoff  
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# INFORMATION DISCLOSURE CITATION

Atty. Docket No. 06530.0170-05	Appln. No. Unassigned
Applicant Juergen KORTENBACH	
Filing Date July 3, 2003	Group: Unassigned

U.S. PATENT DOCUMENTS							
Examiner Initial*		Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
		4,473,077	9/25/84	Noiles et al.			
		4,485,817	12/4/84	Swiggett			
		4,512,345	4/23/85	Green			
		4,635,634	1/13/87	Santos			
		4,907,591	3/13/90	Vasconcellos et al.			
		5,088,979	2/18/92	Filipi et al.			
		5,100,420	3/31/92	Green et al.			
		5,114,065	5/19/92	Storace			
		5,190,203	3/2/93	Rodak			
		5,197,649	3/30/93	Bessler et al.			
		5,358,496	10/25/94	Ortiz et al.			
		5,403,326	4/4/95	Harrison et al.			
		5,465,894	11/14/95	Clark et al.			
		5,478,354	12/26/95	Tovey et al.			
		5,571,116	11/5/96	Bolanos et al.			
		5,573,169	11/12/96	Green et al.			
		5,676,674	10/14/97	Bolanos et al.			
		5,833,696	1/10/98	Whitefield et al.			
		5,855,565	1/5/99	Bar-Cohen et al.			
		5,897,562	4/27/99	Bolanos et al.			
		6,086,600	7/11/00	Kortenbach			

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
<div style="display: flex; justify-content: space-between;"> <span>Form PTO 1449</span> <span>Patent and Trademark Office - U.S. Department of Commerce</span> </div>	

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Applicant Juergen KORTENBACH	
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U.S. PATENT DOCUMENTS							
		3,954,108	05/1976	Davis			
		4,513,746	04/1985	Aranyi et al.			
		4,531,522	07/1985	Bedi et al.			
		4,573,469	03/1986	Golden et al.			
		4,858,608	08/1989	McQuilkin			
		4,919,152	04/1990	Ger			
		5,263,967	11/1993	Lyons et al.			
		5,352,238	10/1994	Green et al.			
		5,423,858	10/1994	Green et al.			
		5,593,421	01/1997	Bolanos et al.			
		6,074,401	06/2000	Gardiner			
		6,312,437 B1	11/6/01	Kortenbach			

FOREIGN PATENT DOCUMENTS							
		Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
		0 770 354	5/1997	Europe			
		2,188,114	4/1997	Canada			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Swain et al., "An endoscopic stapling device: the development of a new flexible endoscopically controlled device for placing multiple transmural staples in gastrointestinal tissue," GASTROINTESTINAL ENDOSCOPY, Vol. 35, No. 4, July/August 1989, pp. 338-9.
	J. Barry McKernan, M.D., Ph.D., J. Kenneth Champion, M.D., "Laparoscopic Antireflux Surgery," <u>The American Surgeon</u> , Vol. 61, pp. 530-536, June 1995
Examiner	Date Considered
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce